IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16440 of 2006

Dated: 9th August, 2006

Between:

Boora Ramachandra Rao & others.

.. Petitioners

and

The Registrar of Cooperative Societies,
Government of A.P., Hyderabad & others.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16440 of 2006

ORDER:

With the consent of both the counsel, the writ petition is taken up for disposal at the stage of admission.

This writ petition is filed seeking Mandamus declaring the action of the respondent Nos.3 and 4 in fixing the date of election to the managing committee of the Bank by issuing notices dated 25.7.2006 and 27.7.2006 and by proceeding with the election process as illegal, arbitrary and contrary to the provisions contained under Rules 18(c), 22(2)(a) and (b)(vi) of the A.P. Cooperative Societies Rules, 1964 and consequently to set aside the public notices dated 25.7.2006 and

27.7.2006.

According to the petitioners, as per the public notice dated 25.7.2006, it was resolved to conduct elections on 9.9.2006 to elect the new executive committee of the Innispeta Cooperative Urban Bank Limited. As per Section 27 of the Act, only the members who have Rs.300/- share capital are eligible to utilize their right to vote in the Bank elections. According to Rule 18 of the A.P. Cooperative Societies Rules, 1964 (for short 'the Rules'), the members who got eligibility to vote as members of the society, 30 days before the date of election are eligible to utilize their voting right. Those members who have less share capital than Rs.300/- have to pay their remaining share capital before 10.8.2006 and obtain the voting rights. In fact the voters list was also published on 27.7.2006 inviting objections on or before 3.8.2006. The learned counsel for petitioners submits that there is inconsistency in the two notices issued on 25.7.2006 and 27.7.2006 and the same do not satisfy the provisions of Rule 18 of the Rules and the same are contrary to Rules.

At this stage, the learned Government Pleader, on instructions submits that the election programme can be re-scheduled and the petitioners shall be given opportunity of making representations for the

purpose of admitting them as valid members for getting eligibility to exercise their vote in the elections to be held for the managing committee of the society.

In view of the same, the election programme shall be re-scheduled from 20.8.2006 and shall be notified accordingly. In the meanwhile, the petitioners and any other person intending, are at liberty to regularize their membership on or before 19.8.2006. On such applications being made, the authorities shall consider the same and pass appropriate orders within 24 hours of receipt of applications and if any applications are received on 19.8.2006, they shall be considered on the same day and voters list shall be published accordingly.

The writ petition is accordingly disposed of. No order as to costs.

C.V.RAMULU,
J

Date: 9.8.2006

Note:

Issue C.C. in (2) days.
B/o
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

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9.8.2006